

differences between the tapered hinge and the cited art. The Examiner indicated that the forgoing amendment to Claim 48 appeared to address the prior art rejections and would likely be allowable pending further review of the cited references.

Rejections under 35 U.S.C. §112

Claims 74 and 84 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 74 and 84 have been canceled without prejudice or disclaimer of the subject matter contained therein.

Rejections under 35 U.S.C. §102 and §103

Claims 55 and 57-62 have been rejected under 35 U.S.C. §102 or §103 as anticipated by or obvious over Drasler et al. (6,451,051). Claim 55 and 57-62 have been canceled without prejudice or disclaimer of the subject matter contained therein.

Claims 48-50, 52, 55, 57-59, 61, 63-65, 68, 74, 75, 78, and 84 have been rejected under 35 U.S.C. §102 or §103 as anticipated by or obvious over Kranz (WO 98/18407). The Office Action indicates that “the Kranz tapered transition regions are thinner than the relatively wide beams and would therefore inherently bend to some extent when sufficient force is applied to them.” (Office Action, page 6)

As discussed in the telephone interview, the translation of Kranz indicates that deformation begins in the cross hatched part 14 that is closest to the connection with the web 4. After the flow area 14 hardens the flow area then migrates to the area 15 that is further away from the connection area. (Kranz translation, page 8, lines 3-8) There is no teaching or suggestion of deformation in the tapered transition areas of Kranz.

In order to further define the invention, Claim 55 has been amended to recite that “the tapered portion has a length longer than a non-tapered portion of the hinge.” As discussed during the telephone interview, this feature clearly distinguishes the invention from Kranz.

Claims 51 and 53 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Kranz in view of Drasler et al. Claims 51 and 53 are allowable over the combination of Kranz and Drasler et al. for the reasons discussed above with respect to Claim 48.

Claims 66, 67, 70, 71, 76, 77, 80, and 81 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Kranz. The rejected claims are allowable over Kranz for the reasons discussed above with respect to Claim 48.

Claims 69, 72, 73, 79, 82, and 83 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Kranz in view of Harish et al. (6,506,437). Claims 69, 72, 73, 79, 82, and 83 are allowable over the combination of Kranz and Harish et al. for the reasons discussed above with respect to Claim 48.

New Claims 85-101 have been added. New independent Claim 85 recites an expandable stent having elongated beams and tapered hinges, “wherein substantially the entire tapered portion of the hinge deforms during expansion of the cylinder from the first diameter to the second diameter.” As discussed in the telephone interview, this feature can be seen in FIGS. 3A-3C in which the tapered portion of the hinge between 254 and 250 is deformed. This feature is clearly not disclosed by Kunz which describes only the non-tapered central portion of the hinge deforming. Accordingly, Claims 85-101 are clearly allowable.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a further telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

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Respectfully submitted,

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